

REMARKS

Currently pending in this application are claims 37-62, AND 64-89. Claims 1-36 were cancelled in a prior amendment and claims 63 and 90 have been canceled in this amendment.

Claim 44 has been amended to refer to a solvent instead of a diluent and to depend from claim 37.

Claim 46 has been amended to delete reference to castor oil.

Claim 50 has been amended to refer to a solvent instead of a diluent and to depend from claim 46.

Claim 61 has been amended to refer to a solvent instead of a diluent and to depend from claim 55.

Claim 64 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 71 has been amended to refer to a solvent instead of a diluent and to depend from claim 64.

Claim 74 has been amended to change addition to additive, correcting an obvious typographical error and to delete reference to castor oil.

Claim 78 has been amended to refer to a solvent instead of a diluent and to depend from claim 74.

Claim 82 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 88 has been amended to refer to a solvent instead of a diluent.

The examiner has provisionally rejected the pending claims under the judicially created doctrine of obvious-type double patenting over the pending claims in application 10/084,602. The prior terminal disclaimer incorrectly referenced application 10/008602. Accompanying this amendment is a terminal disclaimer limiting the term of any patent that may issue from this application to the term of the first to expire of any patent that may issue from 10/084,602. The filing of the terminal disclaimer renders the rejection moot.

The examiner has rejected claims 44, 50, 61, 71, 78, and 88 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically the examiner noted that the specification did not support defining certain compounds recited in the claims as “diluent” when the specification defined them as solvents. The claims have been amended to define the compounds as solvents and to change their dependency to the preceding independent claim.

The examiner next rejected claims 40, 57, 58, 63, 64, 67, 74, 82, 84, 85 and 90 under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The examiner rejected claims 40, 57, 67 and 84 on the grounds that the examiner did not see the distinction between the plant oil extracts derived from grain and the vegetable and nut plant oils. The examiner stated the opinion that vegetables and nuts are also grains. Applicants respectfully traverse this rejection. As defined by Webster’s, a grain is a seed of fruit from a cereal or grass. Merriam-Webster’s Collegiate Dictionary, p. 543 (11th Ed), 2003) (attached). A vegetable on the other hand is a herbaceous plant and a nut is a hard shell dry fruit or seed. Id at 853, 1368. While all of these are plants, they are different varieties and the differences in the oil extracts and oils would be apparent to one skilled in the art. In addition, plant oil extracts are generally obtained from chlorophyll containing parts of the plant (see, e.g. paragraphs 59 and 60), whereas vegetable oils are generally extracted from the seed, nut or fruit (see, e.g., paragraphs 75 and 76). Thus, applicant respectfully submits that the two groups of materials are distinct the claims are not indefinite.

The examiner rejected claims 58 and 63 as substantial duplicates. Claim 63 has been cancelled rendering the rejection moot.

The examiner rejected claims 64, 74 and 82 noting that the term "addition" should read "additive." The claims have been amended to change the term "addition" to "additive".

The examiner rejected claims 85 and 90 as substantial duplicates. Claim 90 has been cancelled rendering the rejection moot.

The examiner has rejected claims 46, 49-52, 74 and 77-81 under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,862,369 to Jordan. The examiner noted that Jordan teaches a fuel composition that contains beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract) and ethoxylated castor oil (thermal stabilizer) as well as cetane improvers. The composition may be diluted with various solvents including gasoline, toluene, diesel fuel and alcohols. Applicants respectfully submit that the claims as amended are not anticipated by Jordan.

As noted above, the Markush group in claims 46 and 74 that define the thermal stabilizer does not include castor oil. None of the other oils recited in the claims are taught or recited in Jordan. Thus Jordan can not anticipate the claims. Claims 49-52 depend from claim 46 and claims 77-81 depend from claim 74. Since Jordan does not anticipate the independent claims it can not anticipate the dependent claims.

CONCLUSIONS

Applicant submits that the pending claims are free of the art and are in condition for allowance.

Applicant believes that no fee due with this response. However, if fees are due, please charge our Deposit Account No. 06-2375, under Order No. P02917US9 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

John E. Schneider

Registration No.: 31,998

FULBRIGHT & JAWORSKI L.L.P.

1301 McKinney, Suite 5100

Houston, Texas 77010-3095

Application No.: 10/084,579

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(713) 651-5151
(713) 651-5246 (Fax)
Attorney for Applicant

Merriam- Webster's Collegiate[®] Dictionary

ELEVENTH
EDITION



Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.

graffiti *n* [pl. of *graffito*] (1945): usu. unauthorized writing or drawing on a public surface

usage *graffiti*, which also serves as the plural of *graffito*, is commonly used as a singular mass noun (*graffiti*... was depressing people who rode the subway—*New Yorker*) (*graffiti* comes in various styles—S. Oberbeck). This use is well established although not yet as well established as the mass-noun use of *data*. Use of *graffiti* as a singular count noun is still quite rare and is not standard.

graffito *n* [gr-af-ee-to, -gr-, -grā-] *n*, pl. -ti [ti] incised inscription, fr. *graffare* to scratch, prob. fr. *graffio* stylus, fr. *L. graphium* (1851): an inscription or drawing made on some public surface (as a rock or wall); also: a message or slogan written as or as if as a graffiti — *graffito-list*

graft *v* [gr-af-t] *n* [ME *graffe*, *grafe*, fr. AF *graffe*, *grafe* stylus, graph, fr. ML *graphium*, fr. *L. stylus*, fr. Gk *graphelōn*, fr. *graphein* to write — more at *CARVE*] (14c) 1 a: a grafted plant b: SCION 1 c: the point of insertion of a scion upon a stock 2 a: the act of grafting b: something grafted; *specif*: living tissue used in grafting

graft *v* (14c) 1 a: to cause (a scion) to unite with a stock; also: to unite (plants or scion and stock) to form a graft b: to propagate (a plant) by grafting 2 a: to join or unite as if by grafting b: to attach (a chemical unit) to a main molecular chain 3: to implant (living tissue) surgically ~ *vt* 1: to become grafted 2: to perform grafting — *graft-er* *n* **graft** *n* [B dial. *grat*, vb., to work] (1853) chiefly Brit: WORK, LABOR

graft (origin unknown) *v* (1859) to get (illicit gain) by graft ~ *vt*: to practice graft

graft *n* (1865): the acquisition of gain (as money) in dishonest or questionable ways; also: illegal or unfair gain

graft-versus-host disease *n* (1965): a potentially fatal bodily condition that results when T cells from a tissue or organ transplant and esp. a bone marrow transplant react immunologically against the recipient's antigens attacking cells and tissues

graham cracker *v* [gr-ahm, -grā-om-*n*] [*graham flour*] (1882): a slightly sweet cracker made of whole wheat flour

graham flour *n* [Sylvester *Graham*†1851 Am. dietary reformer] (1834): whole wheat flour

grail *v* [gr-ail] *n* [ME *greal*, *grail*, fr. MF, bowl, *grail*, fr. ML *gradalis*] 1 *cp*: the cup or platter used according to medieval legend by Christ at the Last Supper and thereafter the object of knightly quests 2: the object of an extended or difficult quest

grain *v* [gr-ain] *n* [ME, partly fr. AF *grain* cereal grain, fr. *L. granum*; partly fr. AF *graine* seed, *graines*, fr. *L. grana*, pl. of *granum* — more at *CARVE*] (14c) 1 a (1) obs: a single small hard seed (2) a seed or fruit of a cereal grass b: the seeds or fruits of various food plants including the cereal grasses and in commercial and statutory use other plants (as the soybean) c: plants producing grain 2 a (1) a small hard particle or crystal (2) any of the particles produced in a photographic material by its development; also: the size of such minute portion or particle c: the least amount possible (a ~ of truth) 3 a: kermes or a scarlet dye made from it b: cochineal or a dye 4 a: a granulated surface or appearance b: the outer or hair side of a skin or hide 5: a unit of weight based on the weight of a grain of wheat taken as an average of the weight of grains from the middle of the ear — see *WEIGHT* table 6 a: the stratification of wood fibers in a piece of wood b: a texture due to constituent particles or fibers (the ~ of a rock) c: the direction of threads in cloth against my ~ b: a basic or characteristic quality c: a prevalent quality or convention (teaching against the ~) — *grained* *v* [gr-aind]

grain *v* (1530) 1: INORAIN 2: to form into grains: *GRANULATE* 3 *cp*: to put in imitation of the grain of wood or stone 4: to feed with grain ~ *vt*: to become granular: *GRANULATE* — *grain-er* *n*

grain elevator *n* (1883): *ETHANOL*

grain *v* (1852): a building for elevating, storing, discharging, and sometimes processing grain

grain of salt (1647): a skeptical attitude

grain of paradise (15c): the pungent seeds of a West African plant (*Amomum melegueta*) of the ginger family that are used as a spice

grain sorghum *n* (1920): any of several sorghums cultivated primarily for grain — compare *SORGO*

grainy *v* [gr-ain-ee] *adj* *grain-i-er*, -est (15c) 1: resembling or having the characteristic of grain: not smooth or fine 2 of a photograph appearing to be composed of grain-like particles — *grain-i-ness* *n*

grain *v* [gr-ain] *n* [obs. Fg (now spelled *grão*), grain, fr. *L. granum*] (1702) any of several leguminous plants (as a chickpea) grown esp. for their seeds

grain *v* [gr-ain] *n* [F *gramme*, fr. LL *gramma*, a small weight, fr. Gk *grammē*, *gramma* letter, writing, a small weight, fr. *graphein* to write — more at *CARVE*] (1810) 1: a metric unit of mass equal to 1/1000 kilogram and nearly equal to the mass of one cubic centimeter of water at 4°C under the acceleration of gravity

grain *v* [gr-ain] *n* [F *gramme*, fr. Gk, fr. *gramma*]: drawing: writing

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graft 1c: a scion, b stock

gram-i-cl-din *v* [gr-ah-mā-sī-d'n] *n* [*gram-positive* + -i- + -ide + -in] (1940): any of several toxic crystalline polypeptide antibiotics produced by a soil bacterium (*Bacillus brevis*) and used against gram-positive bacteria in local infections

gram-i-n-e-ous *v* [gr-ah-mī-nē-əs] *adj* [*L. gramineus*, fr. *gramin-*, *gramen* grass] (ca. 1658): of or relating to a grass

gram-i-niv-o-rous *v* [gr-ah-mā-nī-v(ə)-rəs] *adj* [*L. gramin-*, *gramen* grass] (ca. 1658): of or relating to a grass

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about kitten, P table further ash ace mop, mar out chin bet easy go hit vice job sing go law boy thin the loot foot yet vision, beige K, a, u, see Guide to Pronunciation

chaku [ʃp dial. (Okinawa)] (1970): a weapon that consists of two hardwood sticks joined at their ends by a short length of rawhide, cord, or chain

nun-ci-a-ture \ˈnʌn(t)-sē-ə-ˈchūr, ˈnʌn(t)-, -chər, -tyūr, -tūr/ *n* [It *nunciatura*, fr. *nuncio*] (1652) 1: a papal diplomatic mission headed by a *nuncio* 2: the office or period of office of a *nuncio*

nun-cio \ˈnʌn(t)-sē-ə, ˈnʌn(t)-/ *n*, *pl* -ci-əs [It, fr. *L. nuntius* messenger, *message*] (1528): a papal legate of the highest rank permanently accredited to a civil government

nun-cle \ˈnʌn-kəl/ *n* [by alter. (fr. misdivision of *an uncle*)] (ca. 1589) chiefly dial.: UNCLE

nun-cu-pa-tive \ˈnʌn-kyū-pā-tiv, -nən-, -nən-kyū-pā-/ *adj* [ML *nuncupatus*, fr. LL, so-called, fr. *L. nuncupatus*, pp. of *nuncupare* to name, prob. ultim. fr. *nomen* name + *capere* to take — more at NAME, HEAVE] (1546): not written: ORAL (a ~ will)

nun-ery \ˈnʌn-rē, -nə-nə-/ *n*, *pl* -nēr-les (14c): a convent of nuns

nuc \nʌk/ *n* [Vietnamese *nước mắm*, lit., salted fish sauce] (1919): a sauce made of fish (as anchovies) fermented in brine

nuc-ope \ˈnʌ-ˌpā-/ *n*, *pl* Nucpe or Nupes (1883): a member of a people of west central Nigeria; also: the language of the Nupe people

nup-tial \ˈnʌp-shəl, -chəl, -shə-wəl, -tʃə-wəl/ *adj* [*L. nuptialis*, fr. *nup-tis*, *pl*, wedding, fr. *nubere* to marry; perh. akin to Gk *nymphē* bride, *nymph*] (15c) 1: of or relating to marriage or the marriage ceremony 2: characteristic of or occurring in the breeding season (~ flight)

nuptial *n* (ca. 1555): MARRIAGE, WEDDING — usu. used in *pl*

nup-tial-ity \ˈnʌp-shē-ˈā-lə-tē, -chē-/ *n*, *pl* -ties (1899): the marriage rate

Nur-stani \ˈnʌr-ə-ˈstā-nē, -nyūr-/ *n* [Nuristan, Afghanistan] (1951) 1: a member of a group of peoples of the Hindu Kush in northeastern Afghanistan 2: the family of languages spoken by the Nuristanis that constitutes a distinct branch of Indo-Iranian

nurse \ˈnɜrs/ *n* [ME *nurice*, *nurce*, *nurse*, fr. AF *nurice*, fr. LL *nutricia*, fr. L, fem. of *nutricius* nourishing — more at NUTRITIOUS] (13c) 1: a woman who suckles an infant not her own: WET NURSE b: a woman who takes care of a young child: DRY NURSE 2: one that looks after, fosters, or advises 3: a person who cares for the sick or infirm; *specif*: a licensed health-care professional who practices independently or is supervised by a physician, surgeon, or dentist and who is skilled in promoting and maintaining health — compare LICENSED PRACTICAL NURSE, REGISTERED NURSE 4: a worker form of a social insect (as an ant or bee) that cares for the young b: a female mammal used to suckle the young of another

nurse to nursed; **nurse-ling** [ME *nurshen* to suckle, nourish, contr. of *nurshen*] *vt* (14c) 1: a: to nourish at the breast: SUCKLE b: to take nourishment from the breast of 2: REAR, EDUCATE 3: a: to promote the development or progress of b: to manage with care or economy (*nursed* the business through hard times) (*nursed* a 1-0 lead) c: to take charge of and watch over 4: a: to care for and wait on (as a sick person) b: to attempt to cure by care and treatment 5: to hold in one's memory or consideration (~ a grievance) 6: a: to use, handle, or operate carefully so as to conserve energy or avoid injury or pain (~ a sprained ankle) b: to use sparingly c: to consume slowly or over a long period (~ a cup of coffee) ~ *vi* 1: a: to feed an offspring from the breast b: to feed at the breast: SUCK 2: to act or serve as a nurse — **nurse-er** *n*

nurse-maid \ˈnɜrs-māid/ *n* (1657): a girl or woman who is regularly employed to look after children

nurse-mid-wife \ˈmɪd-wɪf/ *n* (1952): a registered nurse with additional training as a midwife who delivers infants and provides prenatal and postpartum care, newborn care, and some routine care (as gynecological exams) of women — **nurse-mid-wife-ry** \ˈmɪd-wɪf-ri-/ *n*, *pl* -ries

nurse-prac-ti-tion-er \ˈpræk-ti-sh(ə)-ˈnɜr/ *n* (1969): a registered nurse who is qualified through advanced training to assume some of the duties and responsibilities formerly assumed only by a physician

nurs-ery \ˈnɜrs-ri, -nɜr-sə-/ *n*, *pl* -er-les (14c) 1: *obs*: attentive care 2: *POSTNATURAL* 2: a: child's bedroom b: a place where children are temporarily cared for in their parents' absence c: DAY NURSERY 3: a: something that fosters, develops, or promotes b: a place in which persons are trained or educated 4: an area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale 5: a place where young animals grow or are cared for

nurs-ery-man \ˈmən/ *n* (1672): one whose occupation is the cultivation of plants (as trees and shrubs) esp. for sale

nursery rhyme *n* (1816): a short rhyme for children that often tells a story

nursery school *n* (1835): a school for children usu. under five years

nurse's aide *n* (1943): a worker who assists trained nurses in a hospital by performing unspecialized services (as giving baths)

nurse shark *n* [alter. of *nurse*] (1851): one of various sharks (as family *Ginglymostomatidae*); esp.: a shark (*Ginglymostoma chrtum*) of warm waters

nursing *n* (1860) 1: the profession of a nurse (schools of ~) 2: the duties of a nurse (proper ~ is difficult work)

nursing home *n* (1896): a privately operated establishment providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves properly

nurs-ling \ˈnɜrs-lɪŋ/ *n* (1557) 1: one that is solicitously cared for 2: a nursing child

nurs-ur-ance \ˈnɜr-ʃə-rən(t)s/ *n* (ca. 1938): affectionate care and attention — **nurs-ur-ant** \-rən(t) *adj*

nurs-ure \ˈnɜr-ʃər/ *n* [ME *nurture*, *nurture*, fr. AF *nurture*, fr. LL *nurtura* act of nursing, fr. L *nutrirus*, pp. of *nutrire* to suckle, nourish — more at NOURISH] (14c) 1: TRAINING, UPBRINGING 2: something that nourishes: FOOD 3: the sum of the environmental factors influencing the behavior and traits expressed by an organism

nurture *vt* *nur-tured*; **nur-tur-ing** \ˈnɜr-ʃɪŋ, -nɜr-ʃə-/ (15c) 1: to supply with nourishment 2: EDUCATE 3: to further the development of: FOSTER — **nur-tur-er** \ˈnɜr-ʃər-/ *n*

nut \nʌt/ *n* [ME *nute*, *note*, fr. OE *hnūt*; akin to OHG *nuz* nut and perh. to L *nux* nut] (bef. 12c) 1: (1) a hard-shelled dry fruit or seed with a separable rind or shell and interior kernel (2) the kernel of a nut b: a dry indehiscent one-seeded fruit with a woody pericarp 2: a hard problem or undertaking b: CORB, HEART 3: a perforated

block usu. of metal that has an internal screw thread and is used on a bolt or screw for tightening or holding something 4: the ridge in a stringed instrument (as a violin) over which the strings pass on the upper end of the fingerboard 5: a small lump (as of butter) 6: a foolish, eccentric, or crazy person b: ENTHUSIAST (a movie ~) 7: *pl*: NONSENSE — often used interjectionally 8: slang: a person's head 9: *usu. vulgar*: TESTIS 10: the amount of money that must be earned in order to break even 11: EN 1 — nut-like \-lɪk/ *adj*

nut *vt* *nut-ted*; **nut-ting** (1604): to gather or seek nuts

nu-tate \ˈnʌt-tāt, -nyū-/ *vt* *nu-tat-ed*; **nu-tat-ing** (1880): to exhibit or undergo nutation

nu-ta-tion \ˈnʌt-tā-shən, -nyū-/ *n* [*L. nutation*, *nutatio*, fr. *nutare* to nod, rock — more at NUMBER] (1612) 1: *archaic*: the act of nodding the head 2: oscillatory movement of the axis of a rotating body (as the earth): WOBBLE 3: a spontaneous usu. spiral movement of a growing plant part — **nu-ta-tion-al** \-shənəl, -shə-nəl/ *adj*

nut-brown \ˈnʌt-brəʊn/ *adj* (14c): of the color of a brown nut

nut-case \ˈnʌt-kās/ *n* (1599): NUT 6a

nut-crack-er \ˈnʌt-kar-/ *n* (ca. 1548): an implement for cracking nuts

nut-gall \ˈnʌt-gɔl/ *n* (15c): a gall that resembles a nut; esp.: such a gall produced on oaks

nut grass *n* (1775): a perennial sedge (*Cyperus rotundus*) of wide distribution that has slender rootstocks bearing small edible tubers resembling nuts; also: a related sedge (*C. esculentus*)

nut-hatch \ˈnʌt-hach/ *n* [ME *notehache*, fr. *note* nut + *hache*; akin to OE *tohaccan* to hack — more at HACK] (14c): any of various small tree-climbing chiefly insectivorous birds (family Sittidae and esp. genus *Sitta*) that have a compact body, a narrow bill, a short tail, and sometimes a black cap

nut-house \ˈnʌt-haʊs/ *n* (1900) slang: a mental hospital

nut-let \ˈnʌt-lət/ *n* (1856) 1: a small nut 2: the stone of a drupelet

nut-meg \ˈnʌt-meg, -mæg/ *n* [ME *notemigge*, *notemuge*, ultim. fr. Old Occitan *noz muscada*, fr. *noz* nut (fr. *L. nuc-*, *nux*) + *muscada*, fem. of *muscat* musky — more at MUSCAT] (15c) 1: an aromatic seed produced by an evergreen tree (*Myristica fragrans*) of the family Myristicaceae, the nutmeg family) native to the Moluccas; also: the ground seed used as a spice — compare MACIS 2: a tree yielding nutmeg

nut-pick \ˈnʌt-plɪk/ *n* (1862): a small sharp-pointed implement for extracting the kernels from nuts

nu-tra-ceu-ti-cal also **nu-tri-ceu-ti-cal** \ˈnʌt-rə-ˈtʃū-ti-kəl/ *n* [*nutritive* + *pharmaceutical*] (1990): a foodstuff (as a fortified food or dietary supplement) that provides health benefits in addition to its basic nutritional value



nut-hatch

nu-tria \ˈnʌt-rē-ə, -nyū-/ *n* [AmerSp, fr. Sp, otter, modif. of L *lutra*; prob. akin to OE *oter* otter] (1820) 1: the durable usu. light brown fur of a nutria 2: a large So. American semiaquatic rodent (*Myocastor coypus*) with webbed hind feet and a round nearly hairless tail that has been introduced into parts of Europe, Asia, and No. America

nu-tri-ent \ˈnʌt-rē-ənt, -nyū-/ *adj* [*L. nutritus*, *nutritus*, pp. of *nutrire* to nourish — more at NOURISH] (1650): furnishing nourishment

nutrient *n* (ca. 1828): a nutritive substance or ingredient

nut-ri-ment \ˈnʌt-rē-mənt, -nyū-/ *n* [ME, fr. L *nutrimentum*, fr. *nutrire*] (15c): something that nourishes or promotes growth, provides energy, repairs body tissues, and maintains life

nu-tri-tion \ˈnʌt-tri-shən, -nyū-/ *n* [ME *nutricion*, fr. LL *nutrition*, *nutritio*, fr. L *nutrire*] (15c) 1: the act or process of nourishing or being nourished; *specif*: the sum of the processes by which an animal or plant takes in and utilizes food substances 2: NOURISHMENT 1 — **nu-tri-tion-al** \-trish-ənəl, -trish-ənəl/ *adj* — **nu-tri-tion-al-ly** *adv*

nu-tri-tion-ist \ˈtrish(ə)-nɪst/ *n* (1926): a specialist in the study of nutrition

nu-tri-tious \ˈnʌt-tri-shəs, -nyū-/ *adj* [*L. nutriticus*, fr. *nutric-*, *nutrix* nurse, fr. *nutrire* to nourish — more at NOURISH] (1665): NOURISHING — **nu-tri-tious-ly** *adv* — **nu-tri-tious-ness** *n*

nu-tri-tive \ˈnʌt-tri-tiv, -nyū-/ *adj* (14c) 1: of or relating to nutrition 2: NOURISHING — **nu-tri-tive-ly** *adv*

nutritive ratio *n* (1897): the ratio of digestible protein to other nutrients in a foodstuff or ration

nuts \nʌts/ *adj* (1785) 1: ENTHUSIASTIC, KEEN (~ for animals and children — Rick Reilly) 2: INSANE, CRAZY (said that it was a novel and all the people who said otherwise were ~ — Flannery O'Connor)

nuts and bolts *n* (1967) 1: the working parts or elements 2: the practical workings of a machine or enterprise as opposed to theoretical considerations or speculative possibilities — **nuts-and-bolts** *adj*

nut-sedge \ˈnʌt-sedʒ/ *n* (ca. 1909): NUT GRASS

nut-shell \ˈnʌt-ʃel/ *n* (13c) 1: the hard external covering in which the kernel of a nut is enclosed 2: something of small size, amount, or scope — *in a nutshell*: in a very brief statement

nut-ter \ˈnʌt-ər/ *n* (1958) slang BrE: NUT 6a

nut-ty \ˈnʌt-tē/ *adj* *nut-ti-er*; -est (15c) 1: having or producing nuts 2: having a flavor like that of nuts 3: ECCENTRIC, SILLY; also: mentally unbalanced — **nut-ti-ly** \-tē-lē/ *adv* — **nut-ti-ness** *n*

Nuu-Chah-Nuth also **Nuu Chah Nuth** \ˈnu-ˈchā-pūʃ/ *n*, *pl* Nu-Chah-Nuth also **Nuu Chah Nuth** [Nootka *nučah-nut*, lit., all along the mountains] (1979): NOOTKA

nux vom-i-ca \ˈnʌks-ˈvū-mi-kə/ *n*, *pl* *nux vomica* [NL, lit., emetic nut] (14c) 1: the poisonous disk-shaped seed of a tree (*Strychnos nux-vomica*) of the family Loganiaceae of southern Asia that contains several alkaloids and esp. strychnine and brucine; also: the tree yielding nux vomica 2: a drug containing nux vomica

\ə/ about \ə/ kitten, F table \ər/ further \ə/ ash \ə/ ace \ə/ mop, mar \ə/ out \ə/ chin \ə/ bet \ə/ easy \ə/ go \ə/ hit \ə/ ice \ə/ job \ə/ sing \ə/ go \ə/ law \ə/ boy \ə/ thin \ə/ the \ə/ loot \ə/ foot \ə/ yet \ə/ vision, beige \ə/ a, or, us, \ə/ see Guide to Pronunciation

ve-da-lia (vī-dā-lī-ya) *n* [NL, genus name] (1889): an Australian ladybug (*Rodolia cardinalis*) introduced to many countries to control scale insects — called also *vedalla beetle*

Ve-dan-ta (vā-dān-tā, vō-dān-tā) *n* [Skt *Vedānta*, lit., end of the Veda, fr. *Veda* + *anta* end; akin to OE *ende* end] (1788): an orthodox system of Hindu philosophy developing esp. in a qualified monism the speculations of the Upanishads on ultimate reality and the liberation of the soul — **Ve-dan-tism** (vā-dān-tī-zm, vō-dān-tī-zm) *n* — **Ve-dan-tist** (vā-dān-tīst, vō-dān-tīst) *n*

Ve-dan-tic (vā-dān-tik, vō-dān-tik) *adj* (1882): 1: of or relating to the Vedanta philosophy 2: VEDIC

Ved-da or **Ved-dah** (vō-dā) *n* [Sinhalese *vedda* hunter] (1681): a member of an aboriginal people of Sri Lanka

Ved-dold (vō-dōld) *n* (1928): a member of a race of southern Asia traditionally classified by such physical features as wavy to curly hair, chocolate-brown skin color, and slender body build — **Veddold** *adj* **ve-dette** or **vi-dette** (vī-dē-tē) *n* [F, fr. *le vedette*, alter. of *velette*, prob. fr. Sp *vela* watch, fr. *velar* to keep watch, fr. L *vigilare* to wake, watch, fr. *vigil* awake — more at *VIGIL*] (ca. 1611): a mounted sentinel stationed in advance of pickets

Ve-dle (vā-dik) *adj* (1848): of or relating to the Vedas, the language in which they are written, or Hindu history and culture between 1500 B.C. and 500 B.C.

vee (vō) *n* (ca. 1883): 1: something shaped like the letter V 2: the letter v

vee-jay (vō-jā) *n* [radio jockey] (ca. 1981): an announcer of a program (as on television) that features music videos

veena var of *VINA*

veep (vōp) *n* [fr. v. p. (abbr. for vice president)] (1949): VICE PRESIDENT

veer (vīr) *v* [ME *veren*, of LG or D origin; akin to MD *veren* to slacken, MLG *verren*] (15c): to let out (as a rope)

veer (vīr) *v* [ME *veren*, fr. MF *vire*, fr. OF, to throw with a twisting motion, fr. VL *vireare*, alter. of L *vibrare* to wave, propel suddenly — more at *VIBRATE*] (15c): 1: to change direction or course (the economy veered sharply downward) 2: of the wind: to shift in a clockwise direction — compare *BACK* 3: to wear ship ~ *v*: to direct to a different course; *specif*: *WEAR* 7 *syn* see *SWERVE* — **veering-ly** (vīr-ē) *adv*

veer *n* (ca. 1611): a change in course or direction (a ~ to the right)

vee-ry (vīr-ē) *n*, pl *veeries* [prob. imit.] (1838): an American thrush (*Catharus fuscescens*) common in the eastern U.S.

veg (vō) *n*, pl *vegs* (1918) chiefly Brit: VEGETABLE

ve-ga (vō-gā, vā) *n* [NL, fr. *al-Nasr al-Wāq*, lit., the falling (vulture)] (ca. 1638): the brightest star in the constellation Lyra

veg-an (vō-gān) *adj* [fr. *ve-ja* or *-jan* (by contr. fr. *vegetarian*)] (1944): a strict vegetarian who consumes no animal food or dairy products; also: one who abstains from using animal products (as leather) — **vegan** *adj* — **veg-an-ism** (vō-gān-iz-m) *n*, pl *-is-m*

veg-e-ta-ble (vō-jā-bəl, vō-jā) *adj* [ML, fr. ML *vegetabilis* vegetative, fr. *vegetare* to grow, fr. L, to animate, fr. *vegetus* lively, fr. *vegere* to enliven — more at *WAKE*] (15c): 1: of, relating to, constituting, or growing like plants 2: consisting of plants: VEGETATIONAL 2: made from, obtained from, or containing plants or plant products (~ soup) (~ fat) 3: resembling or suggesting a plant (as in inertness or passivity)

vegetable *n* (15c): 1: PLANT 1b 2: a usu. herbaceous plant (as the cabbage, bean, or potato) grown for an edible part that is usu. eaten as part of a meal; also: such an edible part 3: a person whose mental and physical functioning is severely impaired and esp. one who requires supportive measures (as mechanical ventilation) to survive

vegetable ivory *n* (1842): 1: the hard white opaque endosperm of the ivory nut that takes a high polish and is used as a substitute for ivory 2: IVORY NUT

vegetable marrow *n* (ca. 1816) chiefly Brit: any of various smooth-skinned elongated summer squashes with creamy-white, to deep green skins

vegetable oil *n* (1765): an oil of plant origin; esp: a fatty oil from seeds or fruits

vegetable oyster *n* (ca. 1818): SALISFY

vegetable pear *n* (1887): CHAYOTE

vegetable wax *n* (1815): a wax of plant origin secreted commonly in thin flakes by the walls of epidermal cells

veg-e-ta-bly (vō-jā-blē, vō-jā) *adv* or *adj* (1651): in the manner of or like a vegetable

veg-e-tal (vō-jā-tl) *adj* [ML *vegetare* to grow] (15c): 1: VEGETABLE 2: VEGETATIVE 3: of or relating to the vegetal pole of an egg or to that part of an egg from which the endoderm normally develops (~ blastomeres)

vegetal pole *n* (1896): the point on the surface of an egg that is diametrically opposite to the animal pole and usu. marks the center of the protoplasm containing more yolk — see *BLASTULA* illustration

veg-e-tar-i-an (vō-jā-tēr-ē-on) *n* [vegetable + *-arian*] (1839): 1: one who believes in or practices vegetarianism 2: HERBIVORE

vegetarian *adj* (1849): 1: of or relating to vegetarians 2: consisting wholly of vegetables, fruits, grains, nuts, and sometimes eggs or dairy products (~ diet)

veg-e-tar-i-an-ism (vō-jā-tēr-ē-on-iz-m) *n* (ca. 1851): the theory or practice of living on a vegetarian diet

veg-e-tate (vō-jā-tāt, vō-jā-tāt-od, -tāt-ing) [ML *vegetatus*, pp. of *vegetare* to grow] (1605): 1: to grow in the manner of a plant; also: to grow exuberantly or with proliferation of fleshy or warty outgrowths 2: to produce vegetation 2: to lead a passive existence without exertion of body or mind ~ *v*: to establish vegetation in or on

veg-e-ta-tion (vō-jā-tā-shən) *n* (1564): 1: the act or process of vegetating 2: inert existence 3: plant life or total plant cover (as of an area) 4: an abnormal growth upon a body part (fibria ~ on the mitral valve) — **veg-e-ta-tion-al** (vō-jā-tā-shən-əl, -shə-nl) *adj*

veg-e-ta-tive (vō-jā-tā-tiv) *adj* (14c): 1: (1): growing or having the power of growing (2): of, relating to, or engaged in nutritive and growth functions as contrasted with reproductive functions (as ~ nucleus) 2: promoting plant growth (the ~ properties of soil) 3: of, relating to, or involving propagation by nonsexual processes or methods 2: relating to, composed of, or suggesting vegetation 3: of or

relating to the division of nature comprising the plant kingdom 4: AUTONOMIC 1 b: characterized by, resulting from, or being a state of severe mental impairment in which only involuntary bodily functions are sustained 5: VEGETABLE 3 — **veg-e-ta-tive-ly** *adv* — **veg-e-ta-tive-ness** *n*

ve-gete (vō-jēt) *adj* [L *vegetus* — more at VEGETABLE] (1639) archaic: LIVELY, HEALTHY

veg-gle also **veg-le** (vō-jō) *n* [by shortening & alter.] (1955): 1: VEGETABLE 2: slang: VEGETARIAN

veggie burger *n* (1972): a patty chiefly of vegetable-derived protein used as a meat substitute; also: a sandwich containing such a patty

veg out (vōj) *v* **vegged out**; **veg-ging out** [short for *vegetate*] (1980): to spend time idly or passively

ve-he-mence (vō-hō-mən(t)s) *n* (15c): the quality or state of being vehement: INTENSITY

ve-he-ment (vō-hō-mənt) *adj* [ME, fr. MF, fr. L *vehement*, *vehement*, *vehemens*] (15c): marked by forceful energy: POWERFUL (a ~ wind); as a: intensely emotional: IMPASSIONED, FERVID (~ patriotism) b (1): deeply felt (a ~ suspicion) (2): forcibly expressed (~ denunciations) c: bitterly antagonistic (a ~ debate) — **ve-he-ment-ly** *adv*

ve-hi-cle (vō-hī-kōl) also **vō-hī-kōl** *n* [F *véhicule*, fr. L *vehiculum* carriage, conveyance, fr. *vehere* to carry — more at *WAY*] (1612): 1: an inert medium (as a syrup) in which a medicinally active agent is administered b: any of various media acting usu. as solvents, carriers, or binders for active ingredients or pigments 2: an agent of transmission: CARRIER 3: a medium through which something is expressed, achieved, or displayed (an investment ~); esp: a work created esp. to display the talents of a particular performer 4: a means of carrying or transporting something (planes, trains, and other ~s); as a: MOTOR VEHICLE b: a piece of mechanized equipment

ve-hi-cu-lar (vō-hī-kyo-lar) *adj* (1616): 1: a: of, relating to, or designed for vehicles and esp. motor vehicles b: transported by vehicle c: caused by or resulting from the operation of a vehicle (~ homicide) 2: serving as a vehicle

V-8 (vō-āt) *n* (1930): an internal combustion engine having two banks of four cylinders each with the banks at an angle to each other; also: an automobile having such an engine

veil (vā) *n* [ME, fr. AF *veil*, *vellie*, fr. L *vela*, pl. of *velum* sail, awning, curtain] (13c): 1: a length of cloth worn by women as a covering for the head and shoulders and often esp. in Eastern countries for the face; *specif*: the outer covering of a nun's headdress b: a length of veiling or netting worn over the head or face or attached for protection or ornament to a hat or headdress (a bridal ~) c: any of various liturgical cloths; esp: a cloth used to cover the chalice 2: the life of a nun — often used in the phrase *take the veil* 3: a concealing curtain or cover of cloth 4: something that resembles a veil (a ~ of stars); esp: something that hides or obscures like a veil (lift the ~ of secrecy) 5: a covering body part or membrane: as a: VELUM b: CAUL

veil v (14c): to cover, provide, obscure, or conceal with or as if with a veil ~ *v*: to put on or wear a veil

veiled (vāld) *adj* (14c): 1: a: having or wearing a veil or a concealing cover (a ~ hat) b: characterized by a softening tonal distortion 2: obscured as if by a veil: DISGUISED (~ threats)

veil-ing (vā-līg) *n* (13c): 1: any of various light sheer fabrics 2: VEIL

vein (vān) *n* [ME *veine*, fr. AF, fr. L *vena*] (14c): 1: a narrow water channel in rock or earth or in ice b (1): LODE 2 (2): a bed of useful mineral matter c: LODE 3 2: BLOOD VESSEL; esp: any of the tubular branching vessels that carry blood from the capillaries toward the heart 3: any of the vascular bundles forming the framework of a leaf b: any of the thickened cuticular ribs that serve to stiffen the wings of an insect 4: something suggesting veins (as in reticulation); *specif*: a wavy variegation (as in marble) 5: a distinctive mode of expression: STYLE (stories in a romantic ~) b: a distinctive element or quality: STRAIN (introduced a welcome ~ of humor) c: a line of thought or action (renewed discussion along the same ~) 6: a: a special aptitude (inherited an artistic ~) b: a usu. transitory and casually attained mood c: top form (thou troublest me; I am not in the ~)

— **Shak** — **vein-ly** (vā-nl) *adj*

vein v (1502): to pattern with or as if with veins

veined (vānd) *adj* (ca. 1529): patterned with or as if with veins: having venation: STREAKED (a ~ leaf) (~ marble) (~ cheese)

vein-er (vā-nēr) *n* (1895): a small V gouge used in wood carving

vein-ing (vā-nīg) *n* (1826): a pattern of veins: VENATION

vein-let (vān-lēt) *n* (1831): a small vein

veiny (vā-nē) *adj* (1611): full of veins: noticeably veined (~ hands)

vel *abbr* velocity

ve-la-men (vō-lā-mən) *n*, pl *ve-lam-i-na* (vō-lā-mō-nā) [NL, fr. L covering, fr. *velare* to cover, fr. *velum* curtain] (1882): the thick corky epidermis of aerial roots of an epiphytic orchid that absorbs water from the atmosphere

ve-lar (vō-lar) *adj* [NL *velaris*, fr. *velum*] (1876): 1: formed with the back of the tongue touching or near the soft palate (the ~ *u*) of /k/ /g/ /q/ 2: of, forming, or relating to a velum and esp. the soft palate — **velar** *n*

ve-lar-i-um (vō-lār-ē-om) *n*, pl *ve-lā-ē-ō* [L, fr. *velum* curtain] (1834): an awning over an ancient Roman theater or amphitheater

ve-lar-i-za-tion (vō-lār-ē-zā-shən) *n* (1915): 1: the quality or state of being velarized 2: an act or instance of velarizing

ve-lar-ize (vō-lār-ē-zā) *v* -ized, -iz-ing (1915): to modify (as the /p/ of /pʰ/) by a simultaneous velar articulation

Vel-cro (vōl-jō) *trademark* — used for a closure consisting of a piece of fabric of small hooks that sticks to a corresponding fabric of small loops

veld or **veldt** (vōlt, vōlt) *n* [Afrik *veld*, fr. D, field; akin to OE *feld* field] (1835): a grassland esp. of southern Africa usu. with scattered shrubs or trees

vel-liger (vō-lō-jōr, vō-) *n* [NL, fr. *velum* + *-ger* bearing, fr. *gerere* to bear] (1877): a larval mollusk in the stage when it has developed the velum

vel-le-i-ty (vō-lō-ē-tē, vō-) *n*, pl *-ties* [NL *velletas*, fr. L *velle* to wish, will — more at *WILL*] (1618): 1: the lowest degree of volition 2: a slight wish or tendency: INCLINATION



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FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY
SUITE 5100
HOUSTON, TX 77010-3095

EXAMINER

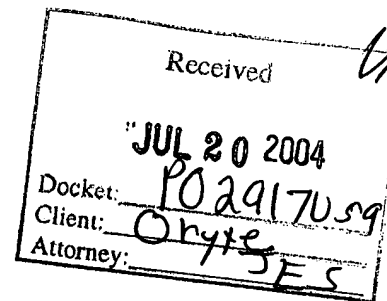
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ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Advisory Action

AUG 12 2004

Application No.

10/084,579

Examiner

Cephia D. Toomer

Applicant(s)

JORDAN, FREDERICK L.

Art Unit

1714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 37-90.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Cephia D. Toomer
Cephia D. Toomer
Primary Examiner
Art Unit: 1714

Continuation of 2. NOTE: the amendment is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended July 30, 2003. Applicant has used the claim identifier "amended" for claims 44, 46, 61, 71, 74, 78, 82 and 88, whereas the proper identifier is -- currently amended--. Also, these claims do not show what has been added or deleted. In the remarks section of this amendment applicant indicates that claims 50 and 64 are amended. However, the claim identifier states "previously presented".

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